

**Louisiana State Board of Examiners of Psychologists
BOARD MEETING MINUTES**

Friday, February 18, 2022

APPROVED: 6-30-2022

The meeting of the Louisiana State Board of Examiners of Psychologists (Board or LSBEP) was noticed, agenda certified, and signed by LSBEP Chairperson Gina Gibson, posted, emailed to individuals and the news media who have requested to receive notices of LSBEP meetings, and widely distributed to every known news media outlet that broadcasts or publishes news within Louisiana through the Louisiana Press Association on Wednesday, February 16, 2022. The notice included information on how to join the meeting virtually via Zoom <https://us02web.zoom.us/j/84112383863?pwd=Y3h6a0R1amFwcmRDNjRdkIwcmRDdz09>

Meeting ID: 841 1238 3863 **Passcode:** 1mhp8P **One tap mobile:** +13126266799,,84112383863#,,,,,0#,,442710# US (Chicago) +19292056099, 84112383863#,,,,,0#,,442710# US (New York) **Dial by your location**+1 312 626 6799 US (Chicago), +1 929 205 6099 US (New York), +1 301 715 8592 US (Germantown), +1 346 248 7799 US (Houston), +1 669 900 6833 US (San Jose), +1 253 215 8782 US (Tacoma) **Meeting ID:** 841 1238 3863 **Passcode:** 442710 **Find your local number:** <https://us02web.zoom.us/j/84112383863?pwd=Y3h6a0R1amFwcmRDNjRdkIwcmRDdz09>

Board Chairperson, Dr. Gina Gibson, called the meeting to order at 9: 04 a.m. on Friday, February 18, 2022.

Attendance:

Board Members attending virtually: Dr. Gina Gibson, Dr. Gregory Gormanous, Dr. Michelle Moore, Dr. Shannae Harness, and Dr. T. Shavaun Sam

Board Members Absent: Mr. Darren “Chance” McNeely

Staff Present: Executive Director, Jaime T. Monic, Attorney Amy Groves Lowe, and Dr. Sasha J. Lambert

Guests Present for Open Meeting: Marcia Kearns, Emily Dixon (La Legislative Auditors Office), Lauren Pendas (La Legislative Auditors Office), and Dr. Kim VanGeffen (LPA).

Dr. Gibson read the mission statement as follows, “*It is hereby declared that the creation of a state board of examiners of psychologists is necessary in order to safeguard life, health, property, and the public welfare of this state, and in order to protect the people of this state against unauthorized, unqualified, and improper application of psychology.*”

Dr. Gormanous requested that his statement of service be recorded in the minutes as follows, “*My serving on LSBEP is to ensure that consumers of psychological services are protected against any unqualified, harmful and unauthorized practice, application or use of psychology. My service is as a consumer advocate and educator. My service is not as a market participant.*”

Ms. Monic reviewed LSBEP’s policy for Video Meeting Decorum and reminded members to keep their video on to ensure a quorum.

REVIEW AND APPROVAL OF AGENDA Dr. Gormanous moved to add a discussion item to discuss requests received under the Americans with Disabilities Act. The Board discussed the motion, the motion passed by roll call vote as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.

Dr. Gormanous moved to approve the agenda as amended. The Board discussed the motion, the motion passed by roll call vote as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.

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EXECUTIVE SESSION: Dr. Moore moved to enter Executive Session pursuant to LSA R.S.42:17.A(2) and (4) to conduct supervision and credential file reviews, review complaints, receive guidance on legal issues and discuss strategies with LSBEP Attorney Amy Groves Lowe. The Board discussed the motion, the motion passed by roll call vote as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.

At 11:56 a.m. Dr. Moore moved to close Executive Session to enter the Open Meeting to report on and receive motions for Executive Session matters. The Board discussed the motion, the motion passed by roll call vote as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.

1. SUPERVISION AND CREDENTIALS REVIEW COMMITTEE File Reviews [LSA-R.S. 42.17.A(1)]

- a. Lilian Odera, Ph.D. – The Board received a status and reviewed additional correspondence of 12/1/2021 sent by Dr. Odera
- b. Larry C. James, Ph.D. – The Board reviewed the Application for Licensure of Dr. James, following consultation with Attorney Lowe. Dr. Harness moved to advise Dr. James of the proper procedure for reinstatement and redirect Dr. James to submit an Application for License Reinstatement accordingly. The Board discussed the motion, the motion passed by roll call vote as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.
- c. Jose Lafosse, Ph.D. – The Board reviewed the Application for Temporary Registration of Dr. Lafosse. Finding that Dr. Lafosse had met the standards for the issuance of a Temporary Registration, Dr. Sam moved in favor of granting Dr. Lafosse a Temporary Registration to practice in Louisiana for the remainder of the 2022 Calendar Year. The Board discussed the motion, the motion passed by roll call vote as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.

2. COMPLAINTS [LSA-R.S.42.17.A(4)]:

- a. **P20-21-01B Received 7/9/2020** (*Complaint Committee Assigned: Dr. Sasha Lambert, Dr. Amy Henke, Mr. Justin Owens, Dr. Gina Gibson, Courtney Newton, Inv. Henry Richardson, and Jaime Monic*) - Dr. Lambert presented this case to the Board in Executive Session, and reported that following a thorough investigation, review, and consideration of all evidence in this matter by the Complaint Investigation Committee assigned to this case, the Committee found insufficient evidence that a violation of the Psychology Practice Act had occurred. The Committee recommended that the matter be dismissed without further investigation or action. The Board thoroughly discussed this matter and considered the recommendation of the Committee. Dr. Moore moved to accept the Complaint Committee's recommendation. The Board discussed the motion, the motion passed by roll call vote as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.
- b. **P20-21-21C Received 6/1/2021** (*Complaint Committee Assigned: Dr. Sasha Lambert, Mr. Justin Owens, Dr. Gina Gibson, Inv. Henry Richardson and Jaime Monic*) - Dr. Lambert presented this case to the Board in Executive Session, and reported that following a thorough investigation, review, and consideration of all evidence in this matter by the Complaint Investigation Committee assigned to this case, the Committee found insufficient evidence that a violation of the Psychology Practice Act had occurred. The Committee recommended that the matter be dismissed without further investigation or action. The Board thoroughly discussed this matter and considered the recommendation of the Committee. Dr. Sam moved to accept the Complaint Committee's recommendation. The Board discussed the motion, the motion passed by roll call vote as follows:

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In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.

- c. **P21-22-03B Received 9/7/2021 (Self-report)** (Complaint Committee Assigned: Dr. Sasha Lambert, Dr. Gregory Gormanous, and Jaime Monic) – Dr. Gina Gibson was recused from this matter and was not present for the Executive Session Discussion. Dr. Lambert presented this case to the Board in Executive Session and reported that following a thorough review and consideration of the self-report made in this matter by the Complaint Investigation Committee assigned to this case, the Committee found that the self-reported violation was unintentional, performed in the interest of the client’s health, safety, and welfare, and was appropriately addressed before it rose to the level of being significant ethically. The Committee recommended that the matter be dismissed with a confidential Letter of Education, noting the steps taken by the Respondent to remediate the issue. The Board thoroughly discussed this matter and considered the recommendation of the Committee. Dr. Gormanous moved to accept the Complaint Committee’s recommendation. The Board discussed the motion, the motion passed by roll call vote as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.
- d. **JM vs MV Received 12/20/2018** (Complaint Committee Assigned: Dr. Sasha Lambert, Dr. Amy Henke, Courtney Newton, Inv. Henry Richardson, Dr. Gina Gibson, and Jaime Monic) - Dr. Lambert presented this case to the Board in Executive Session and reported that following a thorough investigation, review, and consideration of all evidence in this matter by the Complaint Investigation Committee assigned to this case, the Committee found insufficient evidence that a violation of the Psychology Practice Act had occurred. Dr. Lambert reported further that the dismissal of the matter was originally reviewed in conjunction with JM vs SV, JM vs. GVLRH, and P18-19-05C on June 13, 2019. However, the Board tabled consideration of a dismissal, pending the outcome of related P18-19-05C. On April 3, 2020, P18-19-05C was considered and dismissed with a confidential Letter of Education. It was recently discovered that this matter (**JM vs MV Received 12/20/2018**) had not been formally considered for final disposition at the time P18-19-05C was presented, as intended. Therefore, this matter is again before the Board, with a recommendation that the matter be dismissed without further investigation or action. The Board thoroughly discussed this matter and considered the recommendation of the Committee. Dr. Moore moved to accept the Complaint Committee’s recommendation. The Board discussed the motion, the motion passed by roll call vote as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.
- e. **JM vs SV Received 12/20/2018** (Complaint Committee Assigned: Dr. Sasha Lambert, Dr. Amy Henke, Courtney Newton, Inv. Henry Richardson, Dr. Gina Gibson, and Jaime Monic) - Dr. Lambert presented this case to the Board in Executive Session and reported that following a thorough investigation, review, and consideration of all evidence in this matter by the Complaint Investigation Committee assigned to this case, the Committee found insufficient evidence that a violation of the Psychology Practice Act had occurred. Dr. Lambert reported further that the dismissal of the matter was originally reviewed in conjunction with JM vs MV, JM vs. GVLRH, and P18-19-05C on June 13, 2019. However, the Board tabled consideration of a dismissal, pending the outcome of related P18-19-05C. On April 3, 2020, P18-19-05C was considered and dismissed with a confidential Letter of Education. It was recently discovered that this matter (**JM vs SV Received 12/20/2018**) had not been formally considered for final disposition at the time P18-19-05C was presented, as intended. Therefore, this matter is again before the Board, with a recommendation that the matter be dismissed without further investigation or action. The Board

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thoroughly discussed this matter and considered the recommendation of the Committee. Dr. Moore moved to accept the Complaint Committee's recommendation. The Board discussed the motion, the motion passed by roll call vote as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.

- f. **JM vs GVLRH Received 12/20/2018** (*Complaint Committee Assigned: Dr. Sasha Lambert, Dr. Amy Henke, Courtney Newton, Inv. Henry Richardson, Dr. Gina Gibson, and Jaime Monic*) Dr. Lambert presented this case to the Board in Executive Session and reported that following a thorough investigation, review, and consideration of all evidence in this matter by the Complaint Investigation Committee assigned to this case, the Committee found insufficient evidence that a violation of the Psychology Practice Act had occurred. Dr. Lambert reported further that the dismissal of the matter was originally reviewed in conjunction with JM vs MV, JM vs. SV, and P18-19-05C on June 13, 2019. However, the Board tabled consideration of a dismissal, pending the outcome of related P18-19-05C. On April 3, 2020, P18-19-05C was considered and dismissed with a confidential Letter of Education. It was recently discovered that this matter (**JM vs GVLRH Received 12/20/2018**) had not been formally considered for final disposition at the time P18-19-05C was presented, as intended. Therefore, this matter is again before the Board, with a recommendation that the matter be dismissed without further investigation or action. The Board thoroughly discussed this matter and considered the recommendation of the Committee. Dr. Moore moved to accept the Complaint Committee's recommendation. The Board discussed the motion, the motion passed by roll call vote as follows: In favor: (4), Gormanous, Moore, Harness, Sam; Against: (1); Abstained: Gibson (0); Absent: (1) McNeely.
- g. **NP17-18-08P Received 1/29/2018** – Ms. Monic presented this matter, against an unlicensed individual, to the Board in Executive Session, reporting that the limited information provided by the Complainant and LSBEP's attempts to locate the individual for service of a Notification of Complaint were not successful. Following discussion, Dr. Moore moved to dismiss the matter without further action or investigation. The Board discussed the motion, the motion passed by roll call vote as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.

3. Legal Issues and Strategy [LSA-R.S.42.17.A(4), 44:4.1] – Attorney-Client Privilege

- a. **Supervision by Medical Psychologists** – Attorney Amy Groves Lowe provided legal analysis and options for addressing the regulatory issues presented by Medical Psychologists who do not retain their license with LSBEP, supervising LSBEP Applicants for Licensure, Candidates for Licensure, and/or Provisional Licensees. Following the discussion in Executive Session, Dr. Gormanous moved that the committee work collaboratively to prepare a statement of issues, prepared by Ms. Lowe, to be sent to all affected groups, with a request to discuss a collaborative approach to legislation to address the issues. The Board discussed the motion, the motion passed by roll call vote as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.
- b. **P17-18-09C Received 12/18/2017** –The Board reviewed this matter and the original determination that was rendered on June 13, 2019, to dismiss the matter with a Letter of Education. Notable delays in providing the education due to COVID 19, employee limitations, as well as the complexity of the legal issues surrounding the case, following review and consideration of the guidance provided by Ms. Lowe, Dr. Gormanous moved to affirm the June 13, 2019 decision to dismiss the matter with a Letter of Education, and approve the education recommended by Ms.

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Lowe to be mailed to appropriately close the matter. The Board discussed the motion, the motion passed by roll call vote as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.

- c. **P21-22-09P Received 1/11/2022** – Following consultation with Assistant Attorney General Amanda LeGroue, this matter was docketed and reviewed by the Board in Executive Session with Attorney Amy Groves Lowe; through that discussion, it was determined that individual members of the LSBEP in their capacity as Board Members do not have jurisdiction to initiate a formal investigation or action against themselves under the authority of La. R.S. 37:2351 *et al*; that all current Board members meet the requisite requirements established by the Louisiana Legislature under Chapter 28 of Title 37 of t La. Revised Statutes to serve the LSBEP and are uniquely qualified to carry out their authority by way of service, teaching, training, or research in psychology, degree, and licensure as outlined under the provisions of La. R.S. 37:2353 *et al.*; and that Board Members are not engaged in that which is defined as the “practice of psychology” in their work as a Board Member. As a result, Dr. Gormanous moved to reject the matter as a complaint, but consider and review the concerns petitioned by the Complainants that do fall under the authority of the LSBEP, related to LSBEP’s use of/continued use of the Examination for Professional Practice in Psychology and the concern of the Complainants “. . .that the EPPP has adverse impact against African American and Hispanic populations.” The Board discussed the motion, the motion passed by roll call vote as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.

CONSENT AGENDA:

Ms. Monic reported that Board Meeting Minutes for January 20 – 21, 2022 had not been drafted for consideration.

Ms. Monic called for the review and consideration of item removal from the Consent Agenda. Dr. Gormanous moved to strike Item “a. Board Meeting Minutes January 20, 2022 – January 21, 2022” from the agenda., The Board discussed the motion, the motion passed by roll call vote as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.

Hearing no further motions relative to the Consent Agenda, Ms. Monic read aloud the amended Consent Agenda Items for consideration by the Board for affirmation, ratification, adoption, approval, and/or conferral as follows:

- a. Not considered

b. Financial Statements Received (Affirm and Ratify):

January 2022 – General Ledger, Balance Sheet, Budget vs. Actual, Profit & Loss
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c. Temporary Registrations approved (Affirm and Ratify):

Name	State of Residence	Reviewer	Date Approved
Robert L. Finke, Ph.D.	Illinois	J. Monic	1/19/2022
Andrea Hoeflerlin Winslett, Ph.D.	Alabama	J. Monic	1/19/2022
Rickey L. Williamson, Ph.D.	California	J. Monic	1/24/2022
Ginger Calloway, Ph.D.	North Carolina	J. Monic	2/8/2022

d. Supervised Practice Plans approved (Affirm and Ratify):

Applicant	Supervisor	Reviewer	Date Approved
Sharde Pettis	Devi Miron Murphy	Michelle Moore	2/7/2022

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Alannia Mosley	Jessica Walton	Michelle Moore	2/9/2022
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e. Applicants approved for Candidacy Status and issued Provisional Licensure (eligible for EPPP) (Affirm and Ratify):

Candidate	Supervisor	Reviewer	Date Approved
None to report			

f. Applicants approved for Candidacy Status (eligible for EPPP) (Affirm and Ratify):

Candidate	Reviewer	Date Approved
None to report		

g. Candidates approved for Oral Examination or Face to Face (Affirm and Ratify):

Candidate	Reviewer	Date Approved
Jessica Grande, Ph.D. (DV)	Michelle Moore	2/14/2022
Rachel A. Passmore, Psy.D. (CL)	Michelle Moore	2/14/2022
Julie R. Price, Psy.D. (CL)	Michelle Moore	2/14/2022
David Kutz, Ph.D. (CL) Reinstatement of Original License No. 949	Michelle Moore	2/14/2022

h. Licensure recommendations of applicants and candidates who have completed all licensing requirements, including passing LSBEP's Jurisprudence and Oral Examinations (Board Conferral):

Name	Declared Specialty	Date of Examination	Examining Members
Marcia A. Kearns, Ph.D.	Clinical	01/28/2022	Gina Gibson/Shavaun Sam

i. Licensure recommendations of applicants and candidates who have completed all licensing requirements, including passing LSBEP's Jurisprudence and Face to Face Interview (Board Conferral):

Name	Declared Specialty	Date of Examination	Examining Members
None to report			

j. License Reinstatements (Board Conferral):

Name	Reviewer	Date
None to report		

k. Continuing Professional Development Reviews (Affirm and Ratify):

Name	Review Type	Reviewer	Date Approved
None to report			

l. Shared News releases/general information/previously approved business (Affirm):

1) None to report

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Following the reading of the Consent Agenda, Ms. Monic called for motions to object or approve the Consent Agenda. With regard to the items specified on the Consent Agenda, Dr. Gormanous moved to affirm receipt of the board meeting minutes, financial statements, shared news releases, general information and previously approved business; ratify the approvals rendered by board members in processing applications and temporary registrations; and confer and issue licenses to candidates based on the recommendations offered by examining board members. The Board discussed the motion, the motion passed by unanimous roll call vote of the members present as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.

COMMITTEE AND LIAISON REPORTS:

1. **Executive Committee Report** – Ms. Monic reported on operations as follows:
 - a. 2021 Election for Board Member vacancy occurring 7/1/2022 is scheduled to open on December 15, 2021, for 30 days until January 14, 2022.
 - b. No update in the matter of Richard A. Marksbury, Ph.D. vs. LSBEP, the 1st Circuit Court of Appeal.
 - c. OPERATIONS:
 - i. 8 NEW APPLICATIONS RECEIVED in January 2022 (5 – PLUS, 0 – LSSP, 1 – RECIPROCITY, 2 – REGULAR, 5 – TEMPORARY)
 - ii. PUBLIC RECORD REQUESTS – none
 - d. Meetings/appearances: February 8, 2022 – ASPPB Board Administrator and Registrar Committee
 - a. Job postings update: Employment positions have been posted on the Board’s Website and through Civil Service for Administrative Assistant Position, In-house Attorney, Complaints Coordinator III. We’ve received 5 applicants for the Administrative Assistant position to date.
 - e. Ms. Monic reminded Board members to complete their 2022 Sexual Harassment Training, Cybersecurity Awareness Training, Ethics Training, and Safe Driver Training.
2. **Finance Committee** – Ms. Monic presented a Financial Report as follows:

MONTHLY FINANCIAL REPORT			
Date Report Prepared: February 17, 2022			
Name of Preparer: Jaime T. Monic			
REPORTING PERIOD: 1/1/2022 – 1/31/2022			
Financial Reports have been provided to members as noted through the consent agenda. The Board Chair continues to review and sign off on all banking reconciliations including merchant accounts and spending accounts (i.e. purchase cards, supply business credit). As of this report, we are 7 months into FY 2021-22. Significant income trends include			
TYPE	AMOUNT	BUDGETED	Trends/Notes
INCOME:			
Income: Projected Revenue	\$ 321,138.66	\$355,125	To date, we have collected 89.9% of the projected revenue
Reported Income for January was significantly lower than in previous years at \$1,760, and partly due to being short staffed and unable to operate at full capacity during January. Also, as reported in January, income received for Disciplinary Judgements and Criminal Background Checks remain unchanged and are overbudget. Registration of Assistants, Telesupervision, Applicant Fees, CPD Preapproval Fees, Copy Fees, and Labels unchanged and are either at or below budget.			
EXPENSES:			
Line Item under Operations:	\$ 4,420.23	\$4,600	96.1% of the projected funds have been expended in this category. Although the majority of this fee is incurred during online renewals, this is a category to watch no

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Credit Card Processing Fees			we are collecting online payments for applications and jurisprudence examinations. A determination to offset the new online fees with a convenience fee will help. However, this fee will increase concurrently with online revenue collections.
Operations: Postage and Delivery	\$1020	\$2700	37.9% of the funds projected for this item have been expended. This amount remains below that of previous years and this trend is expected to continue due to virtual processes implemented.
Background Check & Query Fees. New Budget Item	600.25		This category was added and includes a new budget item approved per the July 23, 2021 Board decision regarding querying the National Practitioner Data Bank for applicants, projected to be \$220 this FY. CBC expenses are also being recorded under this category to better demonstrate expenses for processing an application for licensure. The Budget will need to be amended to account for this expense.
Contract Labor	\$30,489.45	\$139,232.00	21.9% of the Budgeted Amount. This is not accurately reflected since billing for Attorney fees, Complaint Coordinator and Investigator have not been received for January. Additionally, we continue to utilize the prosecuting attorney on complaint matters and anticipate one hearing before the end of the year.
Salaries and Benefits	\$95,159.14	\$195,887	48.6% of the projected amount. This category was amended on 11/12/2021 due to the vacant Compliance Officer position. The current budgeted amount accounts for an Administrative Assistant position. The Board intends to redirect funds from Contract Labor to Salaries and Benefits, if a qualified individual is found to fill the In-house Attorney position.
Travel and Transportation	\$310	\$6,423	This category was amended on 11/12/2021 due to the anticipation of in-person conferences and conventions. We have currently expended 4.8% of the budgeted amount. This leaves sufficient funds for the Board to consider attending the ASPPB Meeting in New Orleans.
As reported in January, we remain overbudget on Miscellaneous items. However, Valerie Dominique reclassified some items. So rather than being 37.4% overbudget as reported in January, we are only 7.2% overbudget. We remain well under budget for Board Meeting Expenses . All other expense items are on par with budgeted amounts.			
INCOME SUMMARY			
Monthly Income	\$15,411.47	YTD Income	\$321,138.66
Monthly Expense	\$1,760	YTD Expense	\$159,478.00
Total Net Income	-\$13,651.47	Total Net Income	\$161,660.00
The last amended budget on November 12, 2021 took into account COVID19 related savings, and current downward trends in contract spending, there is an anticipated increase in the fund balance (cash on hand) to be carried over to 2022-23 estimated to be \$67,733 . While this is good news, your unreserved fund balance is still anticipated to be (\$-286,708) and there remains a long way to go to achieve your new goals for revenue generation that is included in this projection.			

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As of January 2022, our budget is stable. The decrease in revenue will need to be monitored for trends. As long as the decreased revenue is not a trend, the expense categories that are reported to be overbudget are small amounts and are offset by the underspending on Board Travel and Meeting Expenses. It is notable that the Board has had significant issues to address requiring the services of General Counsel through January and February which will be apparent next month. Additionally, the anticipation of a hearing and the prospect of adding a new employee will certainly align actual spending with budgeted amounts.

Board Strategy Recommendations:

Consider emergency rulemaking for the Registration of Assistants to Psychologists, particularly given the importance highlighted on this issue through the legislative process by legislators.

Focus on rulemaking to implement CPD standards and begin revenue development; update rules impacting licensing, license renewal for emeritus, telepsychology, complaints, etc. to improve functionality and reduce liability.

Focus on the organizational structure to address both immediate and long-term viability and employee retention.

Continue to explore financially sustainable options for technology to be utilized in the application and renewal process which may either counter (or reduce) the cost of employees, workload and related expenses for processing applications, and/or counter (or reduce) the cost of real-estate needed to store paper files.

Consider setting a goal to achieve and maintain a reserve balance to cover deferred liability plus unexpected expenses (e.g. hearing costs, lawsuits, major technology developments, moving) plus 3-6 months of operating expenses. Consider creating policy guidelines for Board approval to tap your reserve and then rebuild that amount.

The Board discussed the financial report. Dr. Gormanous moved in favor of accepting the financial report presented by Ms. Monic. The Board discussed this motion. The motion passed by unanimous roll call vote of the members present as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.

Complaints Committee Report: Ms. Monic presented the Compliance Report as follows:

COMPLIANCE REPORT

Date Report Prepared: February 18, 2022
REPORTING PERIOD: 12/09/21 -2/18/2022

Name of Preparer: Jaime T. Monic

CURRENT:

- Total number of RFIs received since last meeting: **3**
- Total number of Board-initiated investigations since last report: **0**
- Total number of cases to be considered by the Board at this meeting: **9 (Note: some cases indicated in this number were previously considered closed and are not reflected in the open cases below)**
- Total number of open cases: **25**
 - **5** are informal resolutions still under monitoring
 - **4** Consent Orders
 - **1** IPPA's

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- **14** are active Investigations
 - **3** from FY 19-20
 - **7** from FY 20-21
 - **4** from FY 21-22
- **6** are under review/Respondent not yet noticed
 - **6** from FY 21-22

FY 2021-22 To Date:

- Formal hearings scheduled: **1 pending**
- Face to Face Meetings Scheduled: **1**
- Disciplinary Actions: **1**

3. **Oral Examination Committee Report** – Dr. Moore reported that since the last Board Meeting 1 Oral Examination had been conducted by Examining Board Members as reported on the Consent Agenda. Dr. Gormanous reported that he is focused on JEDI validity inferences (Justice, Equity, Diversity and Inclusion) and applying those to the examination process as a part of the board’s focus on multicultural awareness.
4. **Supervision/Credentials Committee** – No report
5. **Legislative Oversight Committee** – Dr. Gormanous reported that per the possible collaboration effort with the La State Board of Medical Examiners, session opens on March 14, 2022.
6. **Jurisprudence Examination Committee** – Dr. Moore reported that as part of her goal to review and develop the Jurisprudence Examination, she will be reviewing examination questions to bring additional awareness to a requisite number of years of licensure required that is required before a Licensed Psychologist is eligible to render a Psychologist Emergency Certificate.
7. **Public and Professional Outreach Committee** – Dr. Gormanous suggested that the board should do a broad out-reach to universities and organizations to advertise employment positions currently posted for the Board. The Board discussed and had no objections to this suggestion.
8. **Liaison to Professional Organizations** – Dr. Moore reported that she continues to participate on ASPPB’s Planning Committee for the upcoming Midyear Meeting scheduled to occur in New Orleans. Due to her confidentiality agreement with ASPPB, the details could not be reported.
9. **Continuing Professional Development Report** – No report.
10. **Long Range Planning Committee** – Dr. Gibson reported that the LRP Meeting January 20-21, 2022 was a successful productive meeting.

DISCUSSION/ACTION ITEMS

1. **Consideration of Optional Route toward rulemaking and review of Department of Justice: Occupational Licensing Review Program** – General Counsel was not available for this discussion therefore the matter was tabled until the next regularly scheduled board meeting.
2. **Notification of potential hearing in the Matter P19-20-15B Request to affirm Budget Item for Expert Witness, fee schedule, and authority to enter into an employment contract** – Ms. Monic reported that staff was anticipating a hearing in the referenced matter. In preparation, an expert witness was needed. Ms. Monic requested authority to contract with an expert for the proper adjudication of the referenced matter. Dr. Gormanous moved that the Board affirm the authority of Ms. Jaime Monic to employ staff necessary, including Expert Witnesses, Court Reporter, Security, and others as may be necessary to facilitate the provisions of La. R.S. 37:2353(C)(5), and under the authority of La. R.S. 37:2353(C)(2). Further, with regard to Expert Witnesses, the board approves the total amount payable not to exceed \$5,500.00 in accordance with the following fee schedule: \$100/hour not to exceed \$2,500.00 for document review and informal communications with the LSBEP attorney; and \$3,000.00 for Expert Opinion and Testimony, if also required contingent on itemized billing. The Board discussed the motion, the motion passed by roll call vote as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.

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3. **Forms Update: Application form, Supervised Practice Plan** – The Board did not review an updated Supervised Practice Plan. The Board did review draft updates to the Application for Licensure form. The Board discussed the documents, asked questions, and made suggestions for potential revisions. Dr. Moore volunteered to work with Ms. Monic on finalizing the draft for presentation at the March 18, 2022 meeting.

Dr. Gormanous moved to take the presentation of Chapters 8 and 9 out of order in consideration of Dr. Harness' schedule. Hearing no objections from public attendees, the Board discussed the motion, the motion passed by roll call vote as follows: In favor: (5) Gibson, Gormanous, Moore, Harness, Sam; Against: (0); Abstained: (0); Absent: (1) McNeely.

Discussion Item #9. Rulemaking v. Chapters 8: Continuing Professional Development and vi. Chapter 9: Licenses (Emeritus) – Drs. Gormanous and Harness presented revisions to Chapters 8. and 9. Which include changes that would:

- Remove obsolete transitional language from the 2014 and 2015 CPD rollout.
- Add a requirement that (2) of the 40 hours that are currently required must be within the area of multiculturalism or diversity.
- Remove the categorical requirement in consideration of the least restrictive requirements for license renewal.
- Define activities that are "automatically approved" by the Board as Workshops, Conference Workshops/Training Activities that have Board approved sponsors.
- Create an *optional* procedure for an individual or entity that is not "automatically approved" to apply for a one-time approval of an offering or activity, with an option to submit an application for renewal of the approval.
- Create an *optional* procedure for a licensee to request "preapproval" of a course or activity that is not defined as "automatically approved".
- Redefine those categories within which a licensee may request "preapproval".
- Create a deadline for the licensee to request "preapproval" of not later than June 30th of their reporting year.
- Create a retired status for licensees: "Psychologist Emeritus: Retired".
- Create definitions, criteria and a procedure for requesting the status.
- Create a procedure to return to practice.
- Provide that "Psychologist Emeritus: Retired" are exempt from Continuing Education requirements.
- Provide a procedure and requirements for renewal of a Psychologist Emeritus.

The Board engaged in a discussion with Dr. VanGeffen regarding these changes. Additional consideration will be given to Chapters 8 and 9 once the redlined draft is completed and reviewed at the March 18, 2022 Board Meeting. No concerns or objections were raised by sitting members of the board regarding language or objectives.

Dr. Harness left the meeting. The Board resumed the original order of the agenda.

4. **Officers and Directors Liability Insurance** – Ms. Monic reported that she reached out to McGriff Insurance Services to find coverage, and attempted to directly contact Hanover Insurance Group. No return on email or portal contact has been initiated. In conversations with other Board Directors, they have not been able to secure private/personal liability coverage for Board Members. This matter was tabled until March 18, 2022 pending additional information.
5. **LSBEP Policy and Procedure: Reconsideration frequency of meetings** – Due to time constraints, this matter was tabled until March 18, 2022.
6. **Next Meeting Dates** - The Board discussed current meeting dates set for March 18, 2022, No April Meeting due to LPA and ASPPB conferences, and May 20, 2022. The Board did not select a June meeting date. Ms.

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Monic discussed the potential that Governor John Bel Edwards would not be renewing the Covid19 Declaration of Emergency, the impact of which would be a return to in-person meetings.

7. **ASPPB, New Orleans, April 21, 2022 – April 24, 2022** – Ms. Monic confirmed that Drs. Gormanous, Moore and Sam, as well as herself would be attending the ASPPB Mid-year meeting in New Orleans. Dr. Gormanous moved in favor of approving travel and hotel accommodations according to State Travel Policy PPM 49 adopted by LSBEP. The Board discussed this motion. The motion passed by unanimous roll call vote of the members present as follows: In favor: (4) Gormanous, Gibson, Moore, and Sam; Against: (0); Abstained: (0); Absent: (2) Harness and McNeely
8. **Draft Opinions: Training requirements, routes toward licensure and limitations on practice; and University of New Orleans (UNO), Ph.D. Developmental Psychology Training Program** - Due to time constraints, this matter was tabled until March 18, 2022.
9. Rulemaking (Updates and Action Items):
 - ii. **Chapter 3: Training Requirements** – Dr. Moore presented revisions to Chapter 3. which include changes that would:
 - Update language for identifying acceptable accrediting bodies for doctoral-level psychology programs.
 - Update standards to ensure training equivalence in the nine profession-wide competencies equivalent to the current American Psychological Association (“APA”) Commission on Accreditation Implementing Regulations. The new APA training requirements include competence in supervision prior to graduation, which allow the board to eliminate the hurdle of additional experience post licensure prior to engaging in supervision.
 - Provide a clause in consideration of individuals trained prior to 2015, that they will be assessed under the training standards in place at the time of their graduation.
 - Classify specialty designations into “Health Service Psychology” and “General Applied Psychology”. Necessary to provide a fair and consistent review of individuals who are graduates of programs without APA Accreditation; necessary to provide an alternate route to licensure for individuals not trained in a Health Service area of psychology; and necessary to make clear that individuals who attend graduate programs without internship training do not meet the criteria for practice in a Health Service area of psychology.
 - Clarify current training requirements for the registration of a Clinical Neuropsychology specialty consistent with Houston Conference Guidelines; also clarifies those overlapping areas that do not require the registration of a Clinical Neuropsychology specialty.
 - Correct an error regarding the amount of time a trainee is required to be engaged in client contact from “indirect” to “in direct”
 - iii. **Chapter 6: Fees** – The Board discussed previously recommended and budgeted fees for the implementation of Chapter 8 and Chapter 9 (emeritus status and continuing professional development preapproval); and Chapter 11 (registration of assistants to psychologists) authorized under La. R.S. 37:2354.E.(2); and convenience fee for optional online payment of licensing fees authorized under La. R.S. 37:2354.
 - iv. **Chapter 7: Supervision Requirements** – Dr. Moore presented revisions to Chapter 3. which include changes that would:
 - Provide a definition for “General Professional Supervision” to clarify that which is the direct, in person supervision required as part of training.
Provide a definition for “Continuing Professional Supervision” as ongoing supervision which establishes the legal and functional responsibility of the licensed psychologist for the client and the services provided to a client by a supervisee.
 - Remove the requirement that a Licensee be licensed for one year prior to providing supervision (*see also the Changes to Chapter 3*)

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- Clarify that a supervisor must be a licensed psychologist in their respective jurisdiction. Necessary to evaluate the training and credentials of individuals trained out of state.
 - Clarify that a Supervisor is also trained to render “competently” any psychological service undertaken by their supervisee.
 - Clarify that the Supervisor owns or is an employee of the entity employing the supervisee to quantify legal functional responsibility of the licensed psychologist for the client and the services provided to a client by a supervisee.
- v. **Chapter NEW: Telepsychology and Telesupervision** – Dr. Moore presented revisions to Chapter 3. which include changes that would:
- Facilitate the process for a Louisiana Licensed Psychologist to provide psychological services via telecommunications
 - Define: “Telepsychology”, “Licensed Psychologist”, “Telesupervision”, “Telecommunication”, “Originating site”, “Distant site”
 - Establish appropriate use of telecommunications in the provision of psychological services.
 - Establish standard of care for telepsychology
 - Establish the responsibilities of the licensed psychologist including: Ensuring secure HIPAA/HITECH compliance, Informed Consent, Privacy, Emergency Management, Recordkeeping, and standard of care.
 - Establish requirements and responsibilities for the use of telecommunications when providing supervision to assistants and trainees.
- vi. **Chapter 8: Continuing Professional Development** – taken out of order/see earlier discussion.
- vii. **Chapter 9: Licenses (Emeritus)** - taken out of order/see earlier discussion.
- viii. **Chapter 11: Assistants to Psychologists (registration)** – Dr. Henke was in partial attendance and presented revisions on behalf of the Ad Hoc Workgroup, consisting of Current Board Members Dr. Sam and Gibson; Former Board Members Dr. Koren Boggs and Amy Henke; and LPA Representative Dr. Lauren Rasmussen. The changes discussed by the group included:
- Define "Assistant to a Psychologist" (ATAP), “General Professional Supervision”, "Continuous Professional Supervision", "Supervisor" or "Supervising Psychologist"
 - Create a requirement and procedure for ATAP's to be registered with the Board.
 - Establish minimum criteria for an ATAP to qualify for registration (age, high school diploma, Criminal Background Check).
 - Create a requirement and procedure for ATAP's to be renewed.
 - Establish titles that may be used when identifying ATAP's.
 - Clarify the boundaries that establish the legal functional authority of the Supervising Psychologist, and the responsibility that the Supervising Psychologist has for their clients.
 - Establish clear criteria to ensure that the Supervising Psychologist is responsible for ALL activities (administratively, clinically, ethically, functionally and legally) of the ATAP including registration, renewal, directing the provision of psychological services, the outcome of work, the welfare of the client, general communication and disclosures to clients, services delivered by ATAP's, and advertisement.
 - Define the minimum criteria of general professional supervision (direct, in person) to ensure the welfare of the client, and the ethical and legal protection of the assistant.
 - Clarify that a registration is not a property right of the ATAP; shall not be construed to allow the ATAP to independently engage in the practice of psychology; or render any diagnosis; or sign any evaluations or reports as the provider of record; or independently advertise psychological services; or assign or delegate psychological duties to others; or otherwise violate any of the provisions of the LAC:46.LXIII. Psychologists.

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- Define those activities an ATAP may perform with regard to psychological testing/scoring.
 - Outline the statutory authority of the board to conduct investigations in matters involving the ATAP and/or their Supervisor; and take such actions permitted under the Psychology Practice Act (*La. R.S. 37:2351-2378, et al*).
 - Establish procedures and criteria for the Board to take immediate action to administratively suspend and ATAP's registration in the interest of public protection.
 - Establish criteria for the lapse of a registration as well as the reinstatement of a registration.
 - Create exceptions for individuals not required to be registered under the provisions of Chapter 11 including: Medical Psychologists; Licensed Specialists in School Psychology; psychology interns, psychology practicum students; Post-docs; Research assistants who are not engaged in activities defined as the practice of psychology; and other licensed professionals practicing independently under their respective license.
- ix. **Chapter 15: Complaint Adjudication process** – Draft changes were not ready for presentation.
- x. **Chapter 17: Practice of Psychology/Testing (technical amendment)** – Ms. Monic reported that changes previously approved would be included in the red-lined draft at the March 18, 2022 meeting to address Technical corrections to statutory references that were not updated following previous statutory changes.
- xi. **Chapter 19: Public Information (petitions to the board)** – Dr. Gibson presented draft amendments to Chapter 19 which establish a procedure for any interested person to petition the LSBEP to request the adoption, amendment, or repeal of a rule according to Title 49. Section 953.C(1).
- xii. **Chapter 40: LSSP CPD Requirements** - Ms. Monic presented previously approved changes to Chapter 40 which will reduce the number of continuing education hours required for the renewal of a license from 50 to 40 hours. This change is consistent with requirements for a licensed psychologist and in consideration of least restrictive requirements for licensure.
- xiii. **Chapter 42: LSSP Ethics** - Ms. Monic presented previously approved changes to Chapter 42 which will promulgates the Ethical Standards for LSSP's into regulation. The standards were modeled from the *National Association of School Psychologists Principles for Professional Ethics 2010*, which are currently incorporated by reference. Because the referenced standards are subject to change without input from the LSBEP or the profession that is regulated, LSBEP seeks to promulgate nationally accepted standards into the LAC:Title 46:LXIII. Psychologists

Additional consideration will be given to the revisions once the redlined draft is completed and reviewed at the March 18, 2022 Board Meeting. No concerns or objections were raised by sitting members of the board regarding language, direction, or objectives to be achieved by the proposed revisions.

10. **Added discussion Item: ADA Request** – Dr. Gormanous requested to discuss the potential to continue to attend meetings virtually in consideration of ADA Accommodations and how those would be considered and approved. Ms. Monic explained that there were statutory provisions that would need to be cleared once there was no longer an Emergency Order in place but that she would explore that option by consulting with General Counsel as well as the Attorney General's office to clear any concerns related to Board Member attendance via electronic means, and if it would have an impact on voting should the Board accommodate virtual attendance.

All business having been considered, the meeting adjourned at 5:23 p.m.

LEGAL NOTICES

LA R.S. 42.14.D. Public comments** – In accordance with LA R.S. 42.14.D., the LSBEP shall allow public comments at any point in the meeting prior to action on an agenda item upon which a vote is to be taken. Individuals who wish to comment on a matter must sign in and state their intent to comment on a matter.

La. R.S. 44:33.1 - In compliance with La. R.S. 44:33.1, the LSBEP hereby gives notice that information submitted to the LSBEP may become public record pursuant to the provisions of Louisiana Public Records Law, La. R.S. 44:1, et seq.

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